

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-20449

Honorable Thomas L. Ludington

v.

ALONZO D. PUGHT,

Defendant.

ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS

On March 23, 2012, Alonzo Pought pled guilty to possession of cocaine with intent to distribute pursuant to a Rule 11 Plea Agreement. On October 2, 2012, Pought was sentenced to a term of imprisonment of 188 months, to be served concurrently to his state court sentence. Pought did not seek to appeal his conviction or sentence, but brought a motion to vacate pursuant to 28 U.S.C. § 2255 on May 22, 2013. In his motion, Pought indicates that his “Counsel was ineffective when he Failed to object to MiTigate and raise on direct Appeal Actual Innocence of Career OFFender EnhancemenT, Because prior ConvicTions were Consolidate [sic] per-order by The STaTe CourT.” Def.’s Mot. 8, ECF No. 39.

Pought also filed an application to proceed *in forma pauperis* on May 22, 2013. Fortunately for Pought, however, there is “no filing fee associated with the filing of a motion to vacate” under § 2255. *United States v. Blackstone*, No. 11-122, 2013 WL 24644, at *1 (W.D. Pa. Jan. 2, 2013); *see also Johnson v. United States*, No. 12-CV-91, 2012 WL 666730, at *3 (E.D. Mo. Feb. 28, 2012) (“no filing fee is required for . . . a § 2255 motion to vacate”), *Liriano v. United States*, 95 F.3d 119, 123 (2d Cir. 1996) (“No fee is charged for a § 2255 motion.”)

(citing Rule 3 Governing Section 2255 Proceedings for the United States District Courts advisory committee's note).

Accordingly, it is **ORDERED** that Pought's application to proceed *in forma pauperis*, ECF No. 41, is **DENIED** as moot.

Dated: June 14, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail, and upon Alonzo Pought # 46088-039 FCI Gilmer, P.O. Box 6000 Glenville, WV 26351 on June 14, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS